

ISMAIL J. RAMSEY (CABN 189820)
United States Attorney

MARTHA BOERSCH (CABN 126569)
Chief, Criminal Division

ROBERT S. LEACH (CABN 196191)
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055
San Francisco, California 94102-3495
Telephone: (415) 436-7014
Fax: (415) 436-7234
Email: robert.leach@usdoj.gov

Attorneys for United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	Case No. CR 19-040 WHO
)	
Plaintiff,)	
)	
v.)	
)	
AHMAD HARED & MATTEW DITMAN,)	
)	
Defendants.)	

UNITED STATES OF AMERICA,)	Case No. CR 19-676 WHO
)	
Plaintiff,)	UNITED STATES' SUPPLEMENTAL BRIEF
)	
v.)	
)	
ANTHONY FRANCIS FAULK,)	
)	
Defendant.)	

The government respectfully submits this Supplemental Brief, pursuant to the Court's order.

1 Victims J.D. and N.A. seek to reopen the sentencing and amend the restitution orders
 2 against Defendants Ahmad Hared, Matthew Ditman, and Anthony Faulk under 18 U.S.C.
 3 § 3664(d)(5) and/or 18 U.S.C. § 3771. Because of the possible interplay between restitution and
 4 forfeiture, the government draws the Court's attention to Chapter 14 of the Justice Department's
 5 Asset Forfeiture Policy Manual. *See* [https://www.justice.gov/criminal-](https://www.justice.gov/criminal-afmls/file/839521/download)
 6 [afmls/file/839521/download](https://www.justice.gov/criminal-afmls/file/839521/download) (pages 160-167 of PDF, 14-1 to 14-11). The authority of the
 7 Attorney General to grant petitions for remission or restoration of forfeited property is delegated
 8 to the chief of the Money Laundering and Asset Recovery Section (not the U.S. Attorney's
 9 Office). *See* U.S. DEP'T OF JUSTICE, JUSTICE MANUAL § 9-121.000 – Remission, Mitigation, and
 10 Restoration of Forfeited Properties, *available at* [https://www.justice.gov/jm/jm-9-121000-](https://www.justice.gov/jm/jm-9-121000-remission-mitigation-and-restoration-forfeited-properties)
 11 [remission-mitigation-and-restoration-forfeited-properties](https://www.justice.gov/jm/jm-9-121000-remission-mitigation-and-restoration-forfeited-properties). Regulations governing remission of
 12 criminal forfeitures are at 28 C.F.R. Part 9. In particular, the government notes that, under the
 13 regulations: "The amount of the pecuniary loss suffered by a victim for which remission may be
 14 granted is limited to the fair market value of the property of which the victim was deprived *as of*
 15 *the date of the occurrence of the loss*. No allowance shall be made for interest forgone or for
 16 collateral expenses incurred to recover lost property or to seek other recompense." 28 C.F.R.
 17 § 9.8(c) (emphasis added). Thus, the amount of restitution sought by the victims against the
 18 defendants directly may exceed the amount of remission permitted under the regulations (if
 19 remission is appropriate and authorized).

20 DATED: February 13, 2024

Respectfully submitted,

21 ISMAIL J. RAMSEY
 22 United States Attorney

23 /s/
 24 ROBERT S. LEACH
 25 Assistant United States Attorney
 26
 27
 28